
TITLE 326 AIR POLLUTION CONTROL BOARD

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #10-394

READOPTON OF RULES IN TITLE 326 UNDER IC 13-14-9.5
PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 326 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED: 326 IAC 2-5.5-1; 326 IAC 2-5.5-2; 326 IAC 2-5.5-3; 326 IAC 2-5.5-4; 326 IAC 2-5.5-5; 326 IAC 2-5.5-6; 326 IAC 2-6.1-1; 326 IAC 2-6.1-2; 326 IAC 2-6.1-3; 326 IAC 2-6.1-4; 326 IAC 2-6.1-5; 326 IAC 2-6.1-6; 326 IAC 2-6.1-7.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9 expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2011. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Legislative Services Agency under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

IDEM has previously initiated two rulemakings, LSA Document #09-492 and LSA Document #09-493, which include proposed amendments to 326 IAC 2-5.5-6, 326 IAC 2-6.1-1, 326 IAC 2-6.1-2, 326 IAC 2-6.1-3, and 326 IAC 2-6.1-6; sections that are also listed in this notice. Because of the seven year requirement, IDEM is required to include all of 326 IAC 2-5.5 and 326 IAC 2-6.1 in this notice.

LIST OF RULES

Registrations

<u>326 IAC 2-5.5-1</u>	Applicability
<u>326 IAC 2-5.5-2</u>	Compliance schedule
<u>326 IAC 2-5.5-3</u>	Application requirements
<u>326 IAC 2-5.5-4</u>	Registration content
<u>326 IAC 2-5.5-5</u>	Public notice
<u>326 IAC 2-5.5-6</u>	Source modification

Minor Source Operating Permit Program

<u>326 IAC 2-6.1-1</u>	Exemptions
<u>326 IAC 2-6.1-2</u>	Applicability
<u>326 IAC 2-6.1-3</u>	Compliance schedule
<u>326 IAC 2-6.1-4</u>	Application requirements
<u>326 IAC 2-6.1-5</u>	Operating permit content
<u>326 IAC 2-6.1-6</u>	Permit revisions
<u>326 IAC 2-6.1-7</u>	Operating permit renewal

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:

- (A) readopt that rule separately from the readoption rule; and
- (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Legislative Services Agency under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments.

Mailed comments should be addressed to:
#10-394 (APCB) Notice of Readoption
Manda Clevenger Mail Code 61-50
Rule and State Implementation Plan Development Section
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5967, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule and State Implementation Plan Development Section at (317) 234-6530.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by July 23, 2010.

Additional information regarding this action may be obtained from Manda Clevenger, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 232-8229 or (800) 451-6027 (in Indiana).

Additional information regarding LSA Document #09-492 and LSA Document #09-493 may be obtained from Amy Smith, Rule and State Implementation Plan Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Scott Deloney, Chief
Air Programs Branch
Office of Air Quality

Posted: 06/23/2010 by Legislative Services Agency
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